REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment is requested to be entered under Rule 116 in that it is deemed to place this application in condition for allowance.

Claim amendment/Status

In this response the claims have been amended in a manner which is deemed to clarify the claimed subject matter of the references cited in the office action dated 07/01/2008. The allowance of claim 34 is noted with appreciation.

Rejections under 35 USC § 112

The rejection of claims 18-24,26-33 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, are overcome by the amendments proposed in this response. The amendments to claim 18 overcome the antecedent basis issues raised.

In connection with claim 26 however, it is submitted that, as described on page 13, lines 18-20, of the originally filed specification, the operation of deducing consists of identifying the free memory spaces from all the memory spaces.

Free memory spaces are those which are not referenced by the file descriptor. This operation is executable by a computer program. The deduction in question is the operation consisting of subtracting or removing one amount (memory spaces referenced by *the* file descriptor) from another amount (all the memory spaces). As a consequence a computer can perform this deduction and "human" intelligence is not essential as would appear to be purported.

Rejections under 35 USC § 102

The rejection of claims 18-20,22-24,26-28,30-33 under 35 U.S.C. § 102(e) as being anticipated by Fujio (US 6,189,081) is traversed.

The limitation "the number of excess memory spaces P being at least equal to the maximum number of records of the group of records likely to be updated simultaneously in a

write operation" have been included in a step of the method claimed in claim 18 and 26. This limitation defines the allocation of memory spaces step.

This limitation is an important contribution to the claimed subject matter in that the way that allocating exceeding memory spaces at least equal to the maximum number of records likely to *be* updated simultaneously in a write method allow to update the data of the memory card without any lost of data if any problem occurs during the transaction.

Accordingly, it is submitted that the claims as they have been amended distinguish over the cited Fujino reference.

Rejections under 35 USC § 103

The rejection of claims 21 and 29 under 35 U.S.C. 103(a) as being unpatentable over Fujio (US 6,189,081) in view of Tate et al (US 5,991,774), is respectfully traversed.

In this rejection it is acknowleged that Fujio does not teach that a seal is stored, associated with the data of each descriptor, the seal being an increasing function of the number of zero bits in the descriptor.   To overcome this admitted shortcoming, the rejection purports that it is common to store error-correcting code, such as CRC, with the file to ensure the file is error free. Tate is then cited as teaching storing error-correcting code with the file to ensure that the file is error free (2/1-33; 3/2-55).

However, in light of the amendments to claim 18, and 26 it is submitted that the applicability of this rejectoin is mooted and as such reconsideration is respectfully solicited. Further, to rely on the secondary reference just to teach that storing an error-correcting code amounts to ignoring a major proportion of the teachings of Tate and any inferences that may be associated with the disclosed error correcting code storage.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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